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Convention on Prohibitions or restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the First Committee

Rapporteur: Mr. Motaz M. **Zahran** (Egypt)

I. Introduction

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the fifty-third session of the General Assembly in accordance with Assembly resolution 52/42 of 9 December 1997.

2. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 17 September 1998, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 63 to 79, which was held at the 3rd to 12th meetings, from 12 to 16 and from 19 to 21 October (see A/C.1/53/PV.3-12). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 14th to 21st meetings, on 23 and from 27 to 30 October and on 2 November (see A/C.1/53/PV.14-21). Action on all draft resolutions was taken at the 22nd to 31st meetings, from 3 to 6 and on 9, 10, 12 and 13 November (see A/C.1/53/PV.22-31).

4. For its consideration of the item, the Committee had before it the report of the Secretary-General on the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (A/53/159).

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II. Consideration of draft resolution A/C.1/53/L.20/Rev.1

5. At the 17th meeting, on 28 October, the representative of Sweden, on behalf of *Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Croatia, Cyprus,* the *Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mongolia,* the *Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru,* the *Philippines, Poland, Portugal,* the *Republic of Moldova, Romania,* the *Russian Federation, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Togo,* the *United Kingdom of Great Britain and Northern Ireland,* the *United States of America* and *Uruguay*, introduced a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/53/L.20/Rev.1). Subsequently, *Bosnia and Herzegovina, Fiji, Kazakhstan* and *Monaco* joined in sponsoring the draft resolution.

6. The Committee had before it a statement of the programme budget implications of draft resolution A/C.1/53/L.20/Rev.1, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.1/53/L.59).

7. At its 25th meeting on 6 November, the Committee adopted draft resolution A/C.1/53/L.20/Rev.1 without a vote (see para. 8).

III. Recommendation of the First Committee

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 52/42 of 9 December 1997 and previous resolutions referring to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1]

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention, together with the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),[1] which entered into force on 2 December 1983,

Also recalling with satisfaction the adoption by the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, on 13 October 1995 of the Protocol on Blinding Laser Weapons (Protocol IV),[2]

[1] See *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

[2] CCW/CONF.I/16 (Part I), annex A.

and on 3 May 1996 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),[3]

Recalling further that the States Parties at the Review Conference declared their commitment to keeping the provisions of Protocol II under review in order to ensure that the concerns regarding the weapons it covers are addressed, and that they would encourage efforts of the United Nations and other organizations to address all problems of landmines,

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto,

Welcoming the additional ratifications and acceptances of or accessions to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, as well as the ratifications and acceptances of or accessions to the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) and to the Protocol on Blinding Laser Weapons (Protocol IV),

Noting that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols annexed thereto and to examine any proposed amendments or additional protocols,

Welcoming the decision adopted by the Review Conference in its Final Declaration[4] on 3 May 1996 to convene a Review Conference not later than 2001,

Noting that in accordance with article 13 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), a conference of States Parties to that Protocol shall be held annually for the purpose of consultations and cooperation on all issues relating to the Protocol,

1. *Expresses satisfaction* that the Protocol on Blinding Laser Weapons (Protocol IV)[2] entered into force on 30 July 1998, commends it to all States, with a view to achieving the widest possible adherence to this instrument at an early date, and calls, in particular, on all States Parties to the Convention that have not yet done so to express their consent to be bound by the Protocol;

2. *Welcomes* the adherence to the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) by [twenty-one] States and its forthcoming entry into force on 3 December 1998, and calls, in particular, on all States Parties to the Convention that have not yet done so to express their consent to be bound by the Protocol;

3. *Requests* the Secretary-General, in his capacity as depositary of amended Protocol II, to convene in 1999 the first annual conference of States Parties to the Protocol, in accordance with article 13 of amended Protocol II;

4. *Calls upon* all States Parties to the Protocol to attend the first annual conference, and notes that the Parties, under provisions to be adopted in accordance with paragraph 2 of article 13, may decide to invite representatives of States not parties to the Protocol, and of the International Committee of the Red Cross;

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[3] Ibid., annex B.

[4] Ibid., annex C.

5. *Urgently calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and its Protocols, and particularly to amended Protocol II, with a view to achieving the widest possible adherence to this instrument at an early date, and calls upon successor States to take appropriate measures so that ultimately adherence to these instruments will be universal;

6. *Calls upon* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform it periodically of ratifications and acceptances of and accessions to the Convention and the Protocols, and decides to include in the provisional agenda of its fifty-fourth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".